

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

There is no real way to discriminate between making legitimate copies and copies for the purpose of piracy without assigning every citizen/consumer an ID number. The current strategy toward DRM seems to assume (falsely) that fair use entitles only a single copy.

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices? Not in and of itself, but indirectly yes, because any such transmission is likely to be considered a "copy", which requires the equipment to somehow know when it's ok to retransmit and when it is not -- essentially, it will have to make a legal decision whether that action is fair use, or whether it is piracy. Regardless of whether it is proper to remove that decision from the hands of individual citizens, it's a technically difficult decision to make. Realistically, there is very little difference from sending content within a home network, which would be allowed, and sending it out on the internet, which would not. IP tunneling alone can make any foreign machine appear to be on a local LAN. It can even be used to turn a single copy into a multicast. I foresee the decision being made that since allowing even one copy allows that copy to be shared, that devices will be prohibited from retransmitting any work marked for no copying.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

Probably not, although I suspect it would make it difficult or impossible to resell old equipment, or to interface old equipment to new. As a Linux user, I am highly concerned about my ability to use a

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

Yes, I believe it would. If I were to create a film entirely on my own, it would be within my rights to set such a broadcast flag however I choose, whether to limit copying or, if I change my mind, to set it back again. The ability to change the broadcast flag on my own material would necessitate some kind of tool or mechanism by which to do so; such a tool would be the subject of litigation by content owners (much like the DeCSS tool has been) with the ultimate result being that individuals would not have the same complete control over their own work.

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?

The price impact would likely be very small. The cost impact, however, could be large as older equipment, which does not recognise the broadcast flag, would have to be cycled out of use, and could not be resold.

Other Comments:

I believe that the result of the broadcast flag being put into use as described is that, within a few years, almost all content will be restricted from all forms of copying, "just to be on the safe side". To do so costs the producer nothing while at the same time scaling back rights the public has enjoyed for many years, and entirely at the public's

expense. Content producers will enjoy more rights than they currently have, with no additional responsibilities to the public, such as compulsory licensing, or additional payments for frequency allocation.